

**Divided Report for Clerk File 312783
For Consideration at Full Council on April 21, 2014**

On March 11, the City Council's Transportation Committee held a public hearing, discussed, and considered a petition by West Seattle Project X, LLC for the vacation of the northern portion of the Alley in Block 3, Norris Addition to West Seattle, in the West Seattle Junction Urban Village neighborhood of Seattle. The part of the alley to be vacated is 6,600 square feet.

On April 8, the Committee voted to approve the proposed alley vacation with a vote of 5 to 3.

Yes 5 (Rasmussen, Bagshaw, Burgess, Clark, Godden)

No 3 (Licata, O'Brien, Sawant)

Majority Position (Rasmussen, Bagshaw, Burgess, Clark, and Godden)

After a thorough review of the information and analysis provided by City Departments and the Seattle Design Commission, and the entire record before this Committee; we find that the information, analysis, and record demonstrates that the vacation petition for a portion of the alley on the block bounded by S.W. Alaska Street, Fauntleroy Way S.W., S.W. Edmunds Street, and 40th Ave S.W. is in the public interest and should be approved.

City street vacation policies state that the City will approve an alley vacation only if it is in the public interest. Those policies identify three public interest components: public trust functions, land use impacts, and public benefits.

Public Trust

When assessing public trust functions, the Council considers the impact of the proposed vacation on circulation, access, utilities, light, air, open space, and views. While some have urged the Council to reject the vacation because of the wage or labor policies of one of the possible tenants, concerns about the wage and labor aspects of a possible tenant are not among the public trust functions the Council may consider in determining if the vacation is the public interest.

In the proposal before the Council, the access that alleys traditionally provide will continue to be provided by the mid-block connector and the portion of the alley that will not be vacated. Based on the transportation impact analysis that was conducted, the Seattle Department of Transportation concluded the traffic flow at the surrounding intersections would remain at acceptable levels with the project's projected traffic. Impacts from truck traffic are anticipated to be minimal. In addition, the Seattle Department of Transportation conducted two design workshops with the developers to review the design of the mid-block connector. Seattle Department of Transportation is satisfied that the final design meets functional standards and responds to pedestrian safety questions.

Seattle Public Utilities, Seattle City Light, and CenturyLink have determined that the developer will be able to move or accommodate the utilities currently in the alley.

As to light, air, open space, and views; the current alley does not provide important views and does not provide usable public open space. In contrast, the mid-block connector will provide more light, air, and open space than the alley being vacated.

The proposed project will also significantly enhance the pedestrian environment. If the block were developed with the current alley in place, it is unlikely that the goals of the West Seattle Triangle Urban Design Framework for this block could be met. Instead, by vacating the alley and creating a mid-block connector, this proposal is able to provide a pedestrian walkway through the block. SDOT testified at two Transportation Committee meetings that it carefully reviewed the mid-block connector and determined it is safe for pedestrians. The proposed project, made possible by the vacation, also provides for small public plazas at key corners and encourages pedestrian activity around the block through widened sidewalks, additional landscaping, rain gardens, and street art and furniture.

Land Use

With regard to considering land use impacts, the street vacation policies require that the vacation be consistent with the City policies for the neighborhood. The project is consistent with the Neighborhood Commercial 3 zoning, and the proposed uses, including a grocery store, retail, housing, and associated parking, are permitted outright in the zone. Similar uses and density could occur without the vacation of the alley. Further, the West Seattle Triangle Urban Design Framework anticipated this level of development.

Public Benefits

As to public benefits, the street vacation policies require a long-term benefit for the general public, in addition to requiring the applicant to pay fair market value for the land in the vacated area. This project provides public benefits comparable in type but greater than those provided for the alley vacation directly across S.W. Alaska Street. The proposed public benefits include widened sidewalks, public plazas, a new pedestrian crosswalk and signal across S.W. Alaska Street, public art, a \$25,000 contribution for the adjacent public park, and other benefits. None of these public benefits would be provided without the alley vacation. The Transportation Committee added a requirement that the developer pay for the design and installation of a crosswalk connecting the mid-block crossing to the new park on the west side of 40th Ave. S.W.

In conclusion, we believe that this project will be better with a vacation than if development were to occur on this site without the vacation. The proposed public benefits associated with this vacation request are significant and support approving the vacation petition.

We recommend that the vacation petition be approved by the Council.

Minority Position (Licata, O'Brien)

We believe the proposed alley vacation does not provide sufficient public benefit to offset the loss of the City's right-of-way. When sufficient public benefit cannot be provided, or when the public interest is not met, it is incumbent on the Council to deny a vacation. There are many benefits arising from the project and we respect neighbors' support of those benefits. However, development can occur on the site without an alley vacation. When we look at the benefits of the project, and compare the impacts of traffic and trucks on the pedestrian environment, we do not think the proposed public benefit package merits vacating the alley.

This project design includes a mid-block connector, which came out of a neighborhood planning process. The West Seattle Triangle Urban Design Framework's intent was to create a pedestrian-oriented, mid-block connector, which would have divided a superblock by providing enhanced pedestrian connections from Fauntleroy to the 40th Ave. SW green street and the soon-to-be-park.

However, the amount of traffic from this project works against that. There will be 5,000 cars a day travelling to and from this project. At the peak hour, the traffic studies indicate that there will be 680 cars in one hour, much of which be traveling in and out of the mid-block connector to access the parking garages and loading dock. That's a lot of traffic. And as a result of the traffic from this proposal, the Urban Design Framework's proposal has been undermined.

While SDOT did a good job of designing the sidewalk through the mid-block connector to be safe, we do not think the resulting design will create a real pedestrian-friendly environment. As one of the members of the public commented, the mid-block sidewalk will be next to a loading dock. There does not seem to be a way to integrate the traffic from the proposed project with a pedestrian-friendly mid-block connector.

We are also concerned that the five small plazas scattered around the site are too small to provide public benefit. At approximately five hundred square feet, the size of a studio apartment, they are too small to act as community gathering spaces and offer little public benefit.

We don't think this proposal provides sufficient public benefit and don't see that there are sufficient conditions that could be placed on the project to meet our standards given the current design of the project as a whole. Consequently, we recommended denial of the vacation petition.

Minority Position (Sawant)

I believe that the proposed alley vacation is not appropriate. I would welcome vibrant development in this location, turning the existed blighted spaces into something that can engage the neighborhood. But I also believe that this decision needs to take place in the context of the impact approval of this proposal will have on the neighborhood and on jobs in the community.

While the City Council has historically required the public benefits of a street or alley vacation to be physical and tangible, I think that policy needs to evolve. New policy questions – questions of living wage jobs and social justice, questions of working conditions and wages - are important questions to address whether or not they have been included in our policies up to now. These issues have been part of the discussion of this project since the beginning. We need to expand our definitions of public benefit to include these questions starting with this project. If the project is analyzed along these lines, given what we know about the proposed tenant, it will harm the community. So I recommended denial of the vacation petition.